

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HANDY,

Plaintiff,

v.

DANIEL E. CUEVA,

Defendant.

No. 2:21-cv-1431 AC P

ORDER AND FINDINGS AND
RECOMMENDATIONS

By an order filed August 16, 2021, plaintiff was ordered to file a complaint within thirty days. ECF No. 3. In the event he chose to file a complaint, plaintiff was also required to submit and in forma pauperis application or the filing fee. Id. at 3. Plaintiff was cautioned that failure to file a complaint would result in a recommendation that this action be dismissed. Id. The thirty-day period has now expired, and plaintiff has not responded to the court's order, filed a complaint, or filed an application to proceed in forma pauperis or paid the filing fee.

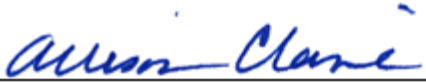
Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case.

IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections

1 with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings
2 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
3 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
4 (9th Cir. 1991).

5 DATED: October 5, 2021

6 
7 ALLISON CLAIRE
8 UNITED STATES MAGISTRATE JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28